

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Curtis Lee Ferguson**
Docket No. **266971**
L.C. No. **86-036310 FC**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because the defendant does not have a circuit court order for the issue he is attempting to raise . The circuit court order being appealed denies the production of documents. However, without raising the issue in the trial court, defendant claims he is entitled to a new trial for failure to preserve exculpatory evidence. Since the circuit court order does not address that issue, defendant does not have a circuit court order from which he can appeal to raise that issue.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 09 2006

Date

Sandra Schultz Mengel
Chief Clerk